

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA**

**-vs-**

**CESAR CRUZ**

Hon. Stanley R. Chesler

Crim. Action No. 18-00713 (SRC)

**CONSENT ORDER REGARDING  
DELAYED REPORTING AND RE-  
DESIGNATION**

**THIS MATTER** having come before the Court upon the application of defendant Cesar Cruz, by Gibbons P.C. (Kevin G. Walsh, Esq., and Anne M. Collart, Esq., appearing); and with the consent of the United States, by Craig Carpenito, United States Attorney for the District of New Jersey (Perry Farhat, Special Assistant United States Attorney, appearing); and for good cause shown:

**IT IS** on this 6<sup>th</sup> day of May, 2019, hereby **ORDERED** that the Court

1. **RECOMMENDS** that the Federal Bureau of Prisons to delay Mr. Cruz's reporting date by three weeks from May 8, 2019, to May 29, 2019; and the Court further
2. **RECOMMENDS** that the Federal Bureau of Prisons re-designate this elderly defendant to a minimum-security camp facility in order to facilitate family visits, and out of consideration of his advanced age, not incarcerate the defendant in the MDC Brooklyn; and the Court further
3. **ORDERS** that this notice be forwarded forthwith to the United States Marshals Service (USMS) and the U.S. Probation Office (USPO), District of New Jersey, and that, in turn, the USMS and USPO deliver a true copy of this order to the Federal Bureau of Prisons, Designation and Sentence Computation Center.

  
Honorable Stanley R. Chesler  
United States District Judge

**THE UNDERSIGNED HEREBY CONSENT TO THE FORM AND ENTRY OF THIS ORDER.**

s/ Perry Farhat  
Perry Farhat

**United States Attorney's Office**  
**District of New Jersey**  
970 Broad Street, Suite 700  
Newark, New Jersey 07102  
Tel.: (973) 645-2700

Email: [perry.farhat@usdoj.gov](mailto:perry.farhat@usdoj.gov)

Dated: May 6, 2019

s/ Anne M. Collart  
Anne M. Collart

**GIBBONS P.C.**  
One Gateway Center  
Newark, New Jersey 07102-5310  
Tel.: (973) 596-4500

Email: [acollart@gibbonslaw.com](mailto:acollart@gibbonslaw.com)

Dated: May 6, 2019

May 6, 2019

**BY EMAIL**

Honorable Stanley R. Chesler, S.U.S.D.J.  
United States District Court for the District of New Jersey  
U.S. Post Office & Courthouse Building  
One Federal Square  
Newark, New Jersey 07101

**Re: *United States v. Cesar Cruz,***  
**No. 2:18-cr-713 (CRC)**

Dear Judge Chesler:

This firm represents Defendant Cesar Cruz, who was sentenced by Your Honor to a one year and one day term of incarceration on April 3, 2019. Mr. Cruz has been ordered to surrender to his designated Bureau of Prisons (BOP) facility this week – on May 8, 2019.

With apologies for burdening the Court, we write, *with no objection from the Government*, on this matter of great urgency regarding Mr. Cruz's prison designation. While we thank the Court for recommending that Mr. Cruz be designated to a facility close to his home in order to accommodate family visiting, we have been informed that he has been designated to serve his time at the Metropolitan Detention Center (MDC) in Brooklyn. This is amongst the worst possible facility designations for this 74-year old defendant. The MDC is a secure detention facility which houses pre-trial detainees deemed flight risks or dangerous. Inmates who are pre-detained have often committed violent crime and may have an extensive criminal history. There are few educational opportunities, as most residents are there for a relatively short duration as they await their sentencing. Inmates are housed in cells, have limited access to fresh air, sunlight and exercise. In contrast, camp facilities are specifically designed for offenders such as Mr. Cruz, who have committed a non-violent offense and for whom there is no expectation of a desire to escape. There are also extensive recreational and educational opportunities made available to inmates, who can move about the "campuses" without great restriction when not required to be at work or in their beds. The differences are stark and will be felt all the more starkly by an individual such as Mr. Cruz with his mobility challenges and status as a first-time offender.

Mr. Cruz therefore requests that the Court recommend a three-week delay to his reporting date so that we can seek a different designation. In addition, Mr. Cruz asks that the Court provide a new judicial recommendation to the BOP to reflect that Mr. Cruz be housed in a minimum-security camp. We believe that the BOP will reconsider the Brooklyn MDC designation only if so directed by the Court. Given the information provided herein, we respectfully urge the Court to consider recommending that the BOP place Mr. Cruz at a minimum security camp facility and not at the Brooklyn MDC.

GIBBONS P.C.

Hon. Stanley R. Chesler, U.S. District Judge  
May 6, 2019  
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If the Court is amenable to this request, a proposed consent order is included for the Court's convenience. Please do not hesitate to contact me if we can be of any further assistance, and thank you for your kind consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Collart", with a long horizontal flourish extending to the right.

Anne M. Collart

Enclosure

cc: Special Assistant U.S. Attorney Perry Farhat (via e-mail)  
Kevin Walsh, Esq. (via e-mail)